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FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

Report of the Fifth Committee

Rapporteur: Mr. Djamel MOKTEFI (Algeria)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 34th, 36th and 41st meetings, on 1, 4 and 15 December 1997. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/52/SR.34, 36 and 41).

3. For its consideration of the item, the Committee had before it the reports of the Secretary-General on the financing of the International Criminal Tribunal for Rwanda (A/C.5/52/13 and Corr. 1) and the conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/52/520); chapter VI, section E, of

the report of the International Civil Service Commission;[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/52/697).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/52/L.10

4. At the 41st meeting, on 15 December, the representative of Canada introduced a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/52/L.10), submitted by the Chairman on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/52/L.10 without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution.

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[2] and on conditions of service for the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International

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[1] Official Records of the General Assembly, Fifty-second Session, Supplement No. 30 (A/52/30).

[2] A/C.5/52/13 and Corr.1.

Criminal Tribunal for Rwanda,[3] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Noting the improvement in the presentation of the report of the Secretary-General, which was available in a timely manner and prepared on a full-cost basis with information on the annual cost of new posts and on performance indicators, as recommended by the Advisory Committee during its previous consideration of the matter,[5]

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[4] subject to the provisions of the present resolution;

2. Notes that the Secretary-General will phase out by the end of 1998 the use of gratis personnel in the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, in accordance with the provisions of General Assembly resolution 51/243 of 15 September 1997;

3. Requests the Secretary-General to provide the actual performance indicators in the budget performance report for 1997, with a view to facilitating the assessment of the activities of the International Criminal Tribunal for Rwanda;

4. Also requests the Secretary-General to include in the budget performance report for 1997 the information requested in paragraph 13 of General Assembly resolution 51/215 B of 13 June 1997;

5. Requests the Board of Auditors, in accordance with articles X and XII of the Financial Regulations and Rules of the United Nations, to report on the ex gratia payments referred to in paragr ph 11 of the report of the Advisory Committee;

6. Agrees that the consideration of the pension entitlement for members of the International Criminal Tribunal for Rwanda should be deferred until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice which is to be submitted to the General Assembly at its fifty-third session in accordance with Assembly resolution 50/216 of 23 December 1995;

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[3] A/52/520.

[4] A/52/697.

[5] A/51/7/Add.8 and Corr.1 and 2.

7. Approves the budgetary recommendations of the Advisory Committee as contained in paragraph 24 of its report;

8. Decides to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Suc Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 56,736,300 United States dollars gross (50,879,100 dollars net) for the period from 1 January to 31 December 1998;

9. Recalls its resolutions 49/251 of 20 July 1995, 50/213 A of 23 December 1995, 50/213 B of 11 April 1996, 50/213 C of 7 June 1996, 51/215 A of 18 December 1996 and 51/215 B of 13 June 1997, by which it decided, as an ad hoc and exceptional arrangement, that Members States should waive their respective shares in the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda, to be transferred to the Special Account for the International Criminal Tribunal for Rwanda from the Special Account for the United Nations Assistance Mission for Rwanda;

10. Cognizant that the unencumbered balance in the Special Account for th United Nations Assistance Mission for Rwanda is 2,060,700 dollars gross;

11. Decides to apportion the amount of 28,368,150 dollars gross (25,439,550 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998, as detailed in the annex to the present resolution;

12. Decides also to apportion the amount of 26,307,450 dollars gross (23,894,050 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998, after taking into account the unencumbered balance of 2,060,700 dollars gross (1,545,500 dollars net) in the Special Account for the United Nations Assistanc Mission for Rwanda referred to in paragraph 10 above;

13. Decides further that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 11 and 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 5,342,000 dollars approved for the International Criminal Tribunal for Rwanda for the period from 1 January to 31 December 1998.

ANNEX

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	Net
	(United States dollars)	
Appropriation for the period from 1 January to 31 December 1998	56 736 300	50 879 100
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998	28 368 150	25 439 550
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year, 1998	28 368 150	25 439 550
Less: Unencumbered balance in the Special Account for the United Nations Assistance Mission in Rwanda	(2 060 700)	(1 545 500)
Balance of assessment based on the scale of assessments for peacekeeping operations	26 307 450	23 894 050